

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL A. GREENE,

Plaintiff,

v.

Case No. 12-13161
Honorable David M. Lawson

22ND DISTRICT COURT, PAMELA
ANDERSON, and MILTON SPOKOJNY,

Defendants.

ORDER DENYING WITHOUT PREJUDICE *EX PARTE*
MOTION FOR ALTERNATE SERVICE

The matter is before the Court on the plaintiff's motion for alternative service. The plaintiff has submitted an affidavit from a process server who stated that service was attempted on defendant Spokojny at his office at 30500 Northwestern Highway, Farmington Hills, Michigan and, when that was unsuccessful, at 4206 Southmoor Lane, West Bloomfield, Michigan. Because the process server was not able to personally serve defendant Spokojny, the plaintiff seeks an order permitting alternative service.

Under the federal rules, service of a summons and complaint must "follow[] state law." Fed. R. Civ. P. 4(e)(1). The Michigan court rules provide for alternate service "[o]n a showing that service of process cannot reasonably be made" with personal service or by certified mail. Mich. Ct. R. 2.105(I). The plaintiff has not explained why they believe that the address above is defendant Spokojny's residence, nor explained why their failed attempts at service at this address render service unable to "reasonably be made." There is no allegation that defendant Spokojny is attempting to evade service. Therefore, the plaintiff's motion does not "show[] that service of process cannot be reasonably made," and the motion will be denied.

Accordingly, it is **ORDERED** that the plaintiffs' *ex parte* motion for alternative service of process [dkt. #9] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 18, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 18, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL